

Study of

Passes for Indians to Leave their Reserves

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Passes for Indians to Leave their Reserves

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Passes for Indians to Leave their Reserves
Summary of Findings

1. Such passes did exist.
2. They were first used in 1885 as a result of the Riel Rebellion.
3. They were used in the area of treaties 4, 6 and 7. It is not known if they were used in all agencies of these treaty areas.
4. No evidence was found of their use in other areas.
5. Oral evidence indicates that their use continued in some areas until the mid - 1930's.

Passes for Indians to Leave their Reserves

Indians have been required to have passes or permits for a variety of purposes including, for example, permits to sell livestock and to live abroad for over five years.¹ The purpose of this report, however, is to investigate restrictions intended to confine Indians to their reserves. The prohibition of attendance at various performances held off the reserve is the only limitation of this nature to be found in the Indian Act. It is contained in the Indian Act of 1906 (section 149, part 2), which states

Any Indian in the province of Manitoba, Saskatchewan, Alberta, British Columbia or the Territories who participates in any Indian dance outside the bounds of his own reserve, or who participates in any show, exhibition, performance, stampede or pageant in aboriginal costume without the consent of the Superintendent-General of Indian Affairs, or his authorized agent, and any person who induces or employs any Indian to take part in any such dance, show, exhibition, performance, stampede or pageant, or induces any Indian to leave his reserve or employs any Indian for such a purpose, whether the dance, show, exhibition, stampede or pageant has taken place or not, shall on summary conviction be liable to a penalty not exceeding twenty-five dollars or imprisonment for one month or to both penalty and imprisonment.

This section, with a minor change made in 1914, was repeated in the Indian Act of 1927 (Section 140, part 3), and was amended to omit the words "in aboriginal costume" in 1933. The main purpose of the restriction was to protect the Indians from specific evil influences: therefore it is of limited relevance to this study. The section was not included in the Indian Act of 1951.

At the time of the Riel Rebellion (1885), however, an attempt was made to confine Indians in the west to their reserves. The manifest intention of this policy was to keep as many of them as possible from joining the revolt. The first record of the policy that I discovered was in a letter dated 6 May 1885 from Major General F. Middleton to the Hon. Edgar Dewdney (Indian Commissioner, NWT., Manitoba and Keewatin). In part the letter stated:

Would it not be advisable to issue proclamation warning breeds and Indians to return to their Reserves and that all those found away will be treated as rebels. I suppose such a proclamation would be disseminated without difficulty.
(Dewdney Papers N.W. Rebellion, M.G. 27, Vol. 4. pp. 1658-1660).

1. Samples of letters of permission to live abroad are contained in Appendix A. See also the Indian Acts, Section 3b (1876), 11 (1880), 10 (1886), and 13 (1927).

In his reply of the next day, Dewdney wrote:

Have issued a notice advising Indians to stay on Reserves and warning them of risks they run in being found off them but have no power to issue proclamation as you suggest. Have offered fifty dollars reward to any Indian giving information leading to conviction of any runner from Riel or hostile Indians. (Dewdney Papers, N.W. Rebellion, MG. 27, Vol. 4. p. 1660)

Although a sample of this notice has not been found, proof that it was distributed is indicated by a letter also dated 7 May 1885, from P. McGirr (for the Commissioner) to the Acting Agent at Peace Hills. It states:

I am directed by the Commissioner to enclose herewith a notice warning all Indians against wandering off their Reserves, which it is thought it would be advisable to post in any places where it would be likely to be seen and reported to them. (R.G. 10. Volume 1139).

A month and a half later, when the west had become more secure, Dewdney felt that it was no longer necessary to place these restrictions on the Indians. In a letter to J.M. Rae (Agent, Treaty 6) dated 23 June 1885, he wrote:

I am in receipt of your telegram requesting that copies of the proclamation warning Indians to stay on their Reserves be sent to you. You are doubtless aware that there exists no law by which Indians can be punished for being off their Reserves. The notice which you refer to was issued by me owing to the exigencies of the times, and simply warns friendly Indians that if found off their Reserves the military would be likely to arrest them on suspicion of being hostiles.

Now that nearly all the hostile bands of Indians have surrendered, I do not see that any good results would be likely to follow the further publication of the notice. If they are found committing any illegal acts they must be arrested and punished, but it would be futile to attempt to confine them to their reserves, when, if they do leave them, there is no law by which they can be punished and our orders enforced. (Dewdney Papers N.W.Rebellion, M.G. 27, Vol. 5, pp. 1948-9)

Despite his statement in June that it was neither legal nor any longer necessary to confine the Indians to their reserves, Dewdney was informed on August 16th by Hayter Reed (Assistant Indian Commissioner, N.W.T., Manitoba and Keewatin), that Indians would not be allowed to leave the reserves in the Battleford area without a pass, even though he admitted that such restrictions were not legal. This letter contains the first mention of passes that was found. It stated:

I am adopting the system of keeping the Indians on their respective Reserves and not allowing any leave them without passes - I know this is hardly supportable by any legal enactment but we must do many things which can only be supported by common sense and by what may be for the general good. I get the Police to send out daily and send any Indians without passes back to their reserves....

Now that the best time has passed for carrying out the intention of depriving the Rebel Indians of their horses I intend having them all collected and branded with the I.D. Brand and tell the Indians that they must not use them without the permission of the instructor, (that is off the Reserve)...."
(Dewdney papers North West Rebellion, M.G. 27, pages 2076 - 2087).

In 1886 Dewdney issued a proclamation informing the Indians that soldiers would be coming to the west to maintain the peace, and warning them not to carry firearms off their reserves without permission:

I further notify you, that, as the Government intends to send a large number of soldiers and police into the country, it will be necessary for any Indian who wishes to hunt off his Reserve, to get permission, from the Agent, to carry firearms.

There is a law, both for whites and Indians, prohibiting them from carrying fire-arms in settled Districts, and, as a friend, I wish to notify you that any Indian found with fire-arms, off his Reserve, without permission of the Agent, will be liable to arrest. (Dewdney, 16 Feb., 1886. R.G. 10. Vol. 1143)

Other correspondence during that year made reference to passes required by Indians. In a letter dated 29 May, A. McDonald (Agent Treaty 4) wrote:

I saw two families at Broadview yesterday, they had a note from Lawford, stating that they were coming to see a sick person here. Just at present no passes should be given to those Indians, for I fear they will all be here.

I will, in a few days, explain to the Indians who have just arrived how passes are asked for and how they are granted by me, and should they be found off the Reserve without a pass, the Police will take charge of them. This must be done, for the other Indians are now very careful in getting passes before they go any distance, or should they wish to go to Broadview to earn a little money by working. (R.G. 10, Vol. 3727).²

In another letter, dated 4 October 1886, Hayter Reed spoke of having mailed passes to the Acting Agent at Peace Hills. Unfortunately no sample was attached, so that it is impossible to tell exactly what type of passes they were. The letter states:

2. In Appendix B there are also two other letters referring to Indians being forced to return to their own reserves.

I beg to advise you that I have, today mailed to your address, in 3 parcels, 3 Books of Passes.

One of these should be given to each Instructor in your Agency.

When granting a pass to an Indian whose conduct during the rebellion was unsatisfactory, the fact should be noted on the face of the Pass, for the information of the Police, or other Officials to whom it may be presented. (R.G. 10 Vol. 1139)

There is further evidence of the use of passes to restrict Indian movement off reserves in an exchange of letters in 1891. S.B. Steele (N.W.M.P. Commander, Macleod District) wrote to the Commissioner of the N.W.M.P. of difficulties in confining the Indians to their reserves and admitted that the police had no legal right to turn them back:

I have the honour to report for your information that as usual immediately after treaty payment there are a great many Indians moving about visiting other reserves etc. and probably with the view to keeping them on their Reserves, the Agent at the Blood Reserve has refused them passes, the Piegans who have been met off their Reserve have all been provided with passes.

I doubt the possibility of keeping the Indians at home by such coercive measures as stopping their rations or refusing a pass, they will go in spite of all their Agent can do and if they have to start on a long journey without any rations the chances of their killing cattle is very greatly increased. There is an order throughout the district to turn back any Indians without a pass but a difficulty arises in the fact that few of our men can speak sufficient Blackfoot to make themselves understood and the Indians when it suits their purpose can be very obtuse: they are aware too that we have no legal right to turn them back.

I would suggest that representations be made to the Indian Department to instruct their Agents to supply rations to Indians who intend to travel at this season. (undated; R.G.10, 3863)

Referring to Superintendent Steele's letter, Hayter Reed wrote to the Superintendent General of Indian Affairs (10 December 1891):

In reply I beg to inform you that it is impossible to prevent a good deal of such visiting at the time referred to, and Agents are doubtless often puzzled as to the best course to pursue with regard to applications for passes.

As the Department is aware it has been necessary to caution Agents in Treaty 7, especially Agent Pocklington, against allowing his Indians to leave their reserve, and no doubt this makes him very chary about issuing passes.

On the other hand the action of the Agent for the Piegans in giving passes, may be justified on the ground that if Indians have made up their minds to go, they will do so, pass or no pass, (which is born out by what Mr. Superintendent Steele says about the Bloods), and that, as it is better to know who are going, where to and so forth, it is more expedient to give passes, as he has done.

With regards to Mr. Superintendent Steele's suggestion that Indians should be rationed for such journeys, the great objection to the adoption of that course is that the demands of Indians for passes would become far more numerous and more persistent.

Nor is there much danger of depredation to be apprehended from Indians travelling between the Reserves, since about two days is about the longest time occupied by such journeys. The danger comes from large parties making more extended excursions, to whom Agents would not feel justified in issuing passes, with or without rations. On the whole it appears to me that matters had, at any rate for the present, be left as they are.....". (R.G. 10 - 3863)

Other references to passes of this type include the following ones from 1894, a year of Indian unrest in the west:

Some Indians have asked me lately for passes to Red Deer to pick berries, but I would not grant them. If I hear of any number going North I will notify the Police to look after them. (Magnus Begg, Agent-Blackfoot Agency, to Indian Commissioner, Regina, 26 July 1894. R.G. 10-3918)

Information already received from our Agents in the district said to be affected, does not at all substantiate the truth of this rumour, and there is apparently very little importance to be attached to it; but it will be well nevertheless that you keep a close watch upon affairs in your agency, and the movements of your Indians. The arrival of any strange Indians, even though from other agencies under pass, should be carefully enquired into, and their business ascertained, and you should promptly advise this office of such arrivals...." (A.E. Forget - Assistant Commissioner (Regina), Confidential circular to Indian agents, 30 July 1894. R.G. 10 - 1137).

Because it was felt that Indians visiting their children in residential schools were a disruptive influence, another type of pass was instituted in the west in 1889. The letter concerning these passes states:

I have therefore to request that you would be good enough to allow no Indians to leave the reserves under your charge for the purpose of visiting any Industrial School without a pass, showing the time and purpose of their permitted absence, and bearing the name of each individual of the party covered by it. During the absence of such Indians their names must be removed from the ration list of the reserve to prevent their drawing rations there as well as at the school visited, or if rations are given them for the visit, the same should be stated on the pass for the information of the Principal.

You will please keep a record and make a monthly return of all such passes. (A.E. Forget, Assistant Commissioner, Regina, Circular letter, 29 March 1889. R.G. 10 - 1142)

A week later another letter from Forget added:

...be kind enough to warn all the Indians of your district that they will only be allowed such passes once in three months; but in cases where a child or children of the applicant, in the school, are sick, an extra pass may be granted. (A.E. Forget to Indian Agents, 8 April 1889. R.G. 10 - 1142)

A series of letters in 1902-3 discussed passes for Indians crossing the International Boundary to visit other reserves. Among other things, these letters stated

Referring to your telegram of yesterday, I beg to say that I am well aware there is no legal authority in Canada to compel our Indians to remain on or return to their reserves, whether they have passes or not; but we can keep other Indians off reserves as trespassers. (D. Laird, Indian Commissioner, to the Secretary, Dept. of Indian Affairs, 15 November 1902. R.G. 10 - 3797)

The less visiting an Indian does the better. It makes them restless and unsettled, and they no sooner return from one trip than they start upon another. We have an example of it this season with some of our own Indians who have been in the habit of visiting Fort Belknap at the invitation of these Indians, but always without a pass from here. (J. Wilson, Agent, Blood Agency to The Indian Commissioner, Winnipeg, 30 Oct. 1902, R.G. 10-3797)

The two letters quoted above indicate that although there was some desire to restrict Indians to their reserves, it was recognized that the Department had no legal right to do this. The lack of legal authority was also admitted indirectly in a letter from the Superintendent-General's office in 1913. He stated:

I am in receipt of your letter ... asking whether there is any regulation which forbids such an Indian living off her reserve indefinitely.

Unfortunately there is no provision in the Indian Act which requires Indians to reside on their reserves or to return thereto if they attempt to live elsewhere. (J.D. McLean Assistant Deputy and Secretary, to H.E. Calkin, J.P., Spirit River, Alberta, 22 August 1913. R.G. 10 - 4076)

The preceding disclaimers notwithstanding, two pass stubs from the Battleford Agency (see Appendix C) indicate that passes continued to be used at least in this agency until 1918. Oral evidence from two IAND employees indicates that passes continued in use in some agencies until the 1930's. During an interview (17.9.74), Mr. C. Laight (Chief, Special & Administration Branch, IEA Program) remembered his father, who was the Indian Agent at Edmonton in the 1930's, giving passes. He recalled that they were necessary for an Indian to leave the reserve and that they had to be shown at all

agencies on the route of travel. Mr. H. Woodsworth, now in the Departments' Saskatoon Office, stated (by telephone 12.9.74) that he remembered passes being issued in Alberta until the mid - 1930's. At that time agents were instructed by circular to destroy all passes and to cease issuing them. The reason for this change of policy, Mr. Woodsworth recalled, was that an Indian had successfully sued the United States government over similar passes in that country. Neither records of this court case nor the circular were discovered during my research.

Conclusion

Thus, although evidence concerning them is limited, passes intended to keep Indians on their reserves did exist. Restrictions on Indians' movements off their reserves were first proclaimed in 1885 for the purpose of keeping them from joining in the Riel Rebellion. By August of that year passes were required by Indians who wished to leave their reserves in the Battleford area and perhaps elsewhere. Pass stubs indicate that they continued in use at Battleford until at least 1918, and verbal evidence that their use continued in some areas until the mid - 1930's. No evidence that passes were used anywhere but in the (present day) prairie provinces was discovered, and it is not known whether or not they were used in all agencies in the prairies.

APPENDICIES

APPENDIX A: Letters concerned with giving permission to Indians to live abroad

1. Agent J.N. Daley's Report - June 1940
2. T.R.L. MacInnes to Commissioner, R.C.M.P. 1 March 1941
3. T.R.L. MacInnes "To Whom It May Concern" 14 August 1941
4. T.R.L. MacInnes - Permission for J. Mainville - 20 November 1941

APPENDIX B: Correspondence concerning passes for Indians to leave their reserves. (arranged chronologically)

1. F. Middleton to E. Dewdney - 6 May 1885
2. E. Dewdney to F. Middleton - 7 May 1885
3. P. McGirr to Agent, Peace Hills - 7 May 1885
4. E. Dewdney to J.M. Rae - 23 June 1885
5. H. Reed to E. Dewdney - 16 August 1885
6. E. Dewdney - Notice to Indians - 16 February 1886
7. H. Reed to Superintendent-General 27 May 1886
8. P. Hourie to Indian Commissioner 27 May 1886
9. A. McDonald to Indian Commissioner 29 May 1886
10. H. Reed to Agent, Peace Hills 4 October 1886
11. H. Reed to Agent, Piegan Reserve 6 July 1887
12. A. Forget to Agent, Piegan Reserve 29 March 1889
13. A. Forget to Agent, Piegan Agency 8 April 1889
14. S.B. Steele to Commissioner N.W.M.P. 8 April 1889
15. H. Reed to Deputy Superintendent General 10 December 1891
16. J. McDougall to Deputy Superintendent General 1 June 1894
17. R.B. Deane to N.W.M.P. Detachments 1 June 1894
18. Magnus Begg to Commissioner 26 July 1894
19. A. Forget to Agents 30 July 1894
20. J. Wilson to Commissioner 30 October 1902
21. D. Laird to Secretary of Indian Affairs 5 November 1902
22. J.D. McLean to Commissioner (Telegram) 14 November 1902
23. D. Laird to Secretary of Indian Affairs 15 November 1902
24. Memorandum to J.D. McLean 24 November 1902
25. F. Pedley to W.A. Jones 26 November 1902
26. W.A. Jones to Secretary of Indian Affairs 5 December 1902
27. F. Pedley to F. White 17 January 1903
28. H.E. Calkin to Superintendent of Indian Affairs 3 August 1913
29. J.D. McLean to H.E. Calkin 22 August 1913

APPENDIX C: Passes and Stubs (from Glenbow Institute)

1. Blank Pass - Battleford Agency
2. Pass-Stub - Sarcee 30 November 1892
3. Pass-Stub - Sarcee 16 April 1893
4. Pass-Stub - Battleford 12 August 1917
5. Pass-Stub - Battleford 15 July 1918

APPENDIX D: List of Files Reviewed